

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise

JUDGE: HONORABLE KARL D ELLEDGE,
 DIVISION: Four
 COURT REPORTER: Aaron Schlesinger
 INTERPRETER:

AMY J. HUNLEY, Clerk of the Superior Court
 by: Bonita L. Cook (1/14/2019), Deputy Clerk

HEARING DATE: 01/11/2019

RAMONA AMAYA, mother of deceased,
 Reynaldo Amaya,

Plaintiff,

VS

COCHISE COUNTY SHERIFF MARK DANNELS,

Defendant(s).

CASE NO: S0200CV201600305

MINUTE ENTRY: MOTION(S) *IN LIMINE* HEARING

HEARING START TIME: 1:56 p.m.

HEARING END TIME: 3:20 p.m.

PRESENT: Plaintiff not present in person but by Perry Hicks, Esq.
 Defendant not present in person but by Daryl Audilett, Esq.

This matter came on regularly before for hearing on pending Motions *in Limine*.

With respect to Plaintiff's Motion in Limine, the introduction of evidence regarding the death of Plaintiff's second son, Juan :

Mr. Hicks presented argument in support of the motion.

Mr. Audilett presented argument in response.

Mr. Hicks presented argument in reply.

IT IS ORDERED granting the motion in part and denying the motion in part for the reasons stated on the record for the reasons stated on the record. The death of the second son is admissible and the fact that there is no connection between the two events is admissible. Beyond that, the Court will not allow any other evidence concerning Juan Amaya's death.

Further discussion was held regarding proposed testimony.

The Court instructed that the ruling that the Court made on Plaintiff's Motion *in Limine* will also applicable to Defendant's Motion *in Limine* #1.

With respect to Defendant's Motion *in Limine* #2, to admit evidence of Reynaldo's violence against Plaintiff:

The Court commented on the motion.

Mr. Hicks presented argument in response to the motion.

Mr. Audilett presented Defendant's position in reply.

IT IS ORDERED granting the motion.

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Minute Entry Action: Motions *in Limine*

With respect to Defendant's Motion *in Limine* #3, to admit evidence of Reynaldo's prior criminal history and Defendant's Motion *in Limine* #4 to admit evidence of Reynaldo's past incarcerations at the Cochise County Jail and the Arizona Department of Corrections:

The Court commented on the motion.

Mr. Audilett presented argument in support of the motion.

Mr. Hicks presented argument in response.

Further discussion was held regarding the motion.

Mr. Hicks requested that the issue be revisited before trial.

Counsel continued to present their respective positions and concerns.

IT IS ORDERED granting motion *in limine* #3 but is limited.

IT IS FURTHER ORDERED granting motion *in limine* #4 but is limited.

The Court gave supplemental instructions to counsel regarding those two motions.

With respect to Defendant's Motion *in Limine* #5, to preclude evidence of Plaintiff's heart attack and stent placement that occurred after Reynaldo's death:

Mr. Hicks presented Plaintiff's position.

IT IS ORDERED granting the motion for the reasons stated on the record.

With respect to Defendant's Motion *in Limine* #6, to preclude Plaintiff from offering opinions about what the Sheriff's Department and/or jail should have done to prevent Reynaldo's suicide:

Discussion was held regarding the motion.

Mr. Audilett presented the Defendant's position.

IT IS ORDERED granting the motion for the reasons stated on the record. The Court instructed counsel regarding the motion.

With respect to Defendant's Motion *in Limine* #7, to preclude evidence that Sgt. Figueroa was terminated from the Cochise County Jail and the Sheriff's Department:

Mr. Hicks presented Plaintiff's position.

IT IS ORDERED granting the motion with some caution as stated on the record. The Court instructed counsel regarding the motion.

Mr. Audilett expressed his concerns regarding the issue.

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With respect to Defendant's Motion in Limine #8 to preclude evidence regarding the Rat Note exhibit:

Mr. Audilett presented argument in support of the motion.

Mr. Hicks presented argument in response.

Mr. Audilett presented argument in reply.

IT IS ORDERED granting the motion for the reasons stated on the record.

With respect to Defendant's Motion in Limine #9 to preclude that Officer Acuna was disciplined by Lt. Monge for failing to fill out the intake questionnaire:

Mr. Hicks presented the Plaintiff's position.

Mr. Audilett presented the Defendant's position.

IT IS ORDERED granting the motion for the reasons stated on the record.

Counsel continued to present their respective positions.

The Court clarified its ruling that the letter is not coming in as far as the letter of reprimand is concerned.

The Court directed Mr. Hicks to make very clear what he is asking to be admitted and if there is a specific document that creates a problem, the Mr. Audilett needs to let the Court know what the specific problem is, and the Court would rule on that in advance of the trial.

Mr. Hicks requested that a Trial Management be set.

IT IS ORDERED setting a **TRIAL MANAGEMENT CONFERENCE** on **FRIDAY, JANUARY 18, 2019 at 3:00 p.m.** in Division Four of this Court. Time allowed: Two hours.

Discussion was held regarding preliminary trial matters.

There being nothing further, Court adjourned.

xc: e-mailed (e) by: blc date: 1/14/19;
 Perry Hicks, Esq. (e) perry@thecountrylawyer.com
 Attorney for Defendant: Daryl Audilett, Esq. (e) daa@audilettlaw.com
 DIV IV JAA (e)